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A.C. Moore Arts & Crafts, Inc. and Sbar's, Inc.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Crafty Productions, Inc., a California corporation, and Crafty Productions, LLC, a California company,

Plaintiffs,

v.

Fuqing Sanxing Crafts Co. Ltd., a China company, Tony Zhu, an individual, Michelle Faherty d/b/a MRF Associates, an individual, The Michaels Companies, Inc., a Delaware corporation, Michaels Stores, Inc., a Delaware corporation, Plaid Enterprises, Inc., a Georgia corporation, Hobby Lobby Stores, Inc., an Oklahoma corporation, Sbars, Inc., a New Jersey corporation, A.C. Moore Arts & Crafts,

Case No. 3:15-cv-00719-BAS-JLB

Assigned to: Hon. Cynthia Bashant
Courtroom No. 4B 4th Floor

DEFENDANTS A.C. MOORE ARTS & CRAFTS, INC.'S AND SBAR'S INC.'S AMENDED OPPOSITION TO PLAINTIFFS' *EX PARTE* APPLICATION REQUESTING ORAL ARGUMENT ON PENDING MOTIONS

(ECF Nos. 84-85, 88-90, and 103-104)

Hearing Date: November 23, 2015

Inc., a New Jersey corporation, 99 Cents Only Stores LLC, a California company, Dollar Tree Stores, Inc., a Virginia corporation, Jo-Ann Stores, LLC, an Ohio company, Party City Holdings, Inc., a Delaware corporation, Party City Corporation, a Delaware corporation, ZheJiang HongYe Co. Ltd., a China company, Fuzhou Bomy Trading Co., Ltd., a China company, Fuzhou Great Suns Co. Ltd., a China company, Sunface Crafts Co. Ltd., a China company,

Defendants.

NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT

Courtroom: 4B
Judge: Hon. Cynthia Bashant

Defendants A.C. Moore Arts & Crafts, Inc. and Sbar's Inc. (collectively, "Defendants") oppose Plaintiffs' Ex Parte Application, D.I. 134, requesting oral argument on the pending motions calendared for November 23, 2015. In this Amended Opposition, Defendants withdraw the previously submitted statement that Defendants had not been provided notice of the contents of Plaintiffs' *Ex Parte* Application.

Defendants respectfully disagree that, at least with respect to Defendants' Motions to Dismiss (D.I. 103 and D.I. 104), any of the reasons identified by Plaintiffs support the need for oral argument. In particular, no additional "real world" context is necessary for the Court to understand that: (1) Defendants do not have the minimum contacts necessary for personal jurisdiction; and (2) Plaintiffs did not reasonably investigate whether Defendants were subject to personal jurisdiction in California, prior to filing their complaints. There are no "missing facts, or unclear facts" with respect to Defendants' Motions and Plaintiffs' Oppositions. Both sides presented their best evidence through their respective declarations. The declarations supporting Defendants' Motions confirm that Defendants lack the requisite minimum contacts; Plaintiffs have presented no relevant evidence in rebuttal.

Moreover, Defendants object to any attempt by Plaintiffs to introduce any live testimony by Ms. Paula Mello at Plaintiffs' requested hearing . Any evidence to counter Defendants' evidence belonged in the Declaration submitted by Ms. Mello, D.I. 132, the contents of which Defendants contend is deficient to support personal jurisdiction in California for the reasons provided in Defendants' Motions to Dismiss. Nothing further is required.

Dated: November 19, 2015

Respectfully Submitted,

RatnerPrestia

By: */s/ Benjamin E. Leace*

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Attorneys for Defendants A.C. Moore Arts & Crafts, Inc. and Sbars, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the below date, I electronically transmitted the foregoing document using the Court's CM/ECF System for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing and paper copies have been served on those indicated as non-registered participants.

Dated: November 19, 2015

/s/ Benjamin E. Leace
Benjamin E. Leace